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Of Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

JOHN DOE,

Plaintiff,

v.

UNIVERSITY OF OREGON,

Defendant.

Case No. 6:17-cv-01103-MK

**STIPULATION AND ORDER  
REGARDING AUTHENTICITY  
AND ADMISSION OF  
DOCUMENTS**

The parties to this action, by and through their counsel, stipulate and agree as follows:

1. Documents produced by the parties in this action pursuant to Fed.R.Civ.P.34 document requests shall be deemed genuine and authentic for the purpose of this lawsuit only, absent good cause. Good cause would include issues relating to the completeness of the document (e.g., relevant missing or incomplete pages) and any conditions in the actual document or the manner in which it was produced that brings into question whether the document was actually in the care, custody, control or possession of the producing party.

2. Documents identified on the attached Master Exhibit List are exceptions to the rule against hearsay as either:

a. Business records under FRE 803(6) in that such records:

- i. That have been sent, received, generated or maintained in the regular course of business or in the regular course of a regularly conducted activity;
- ii. For which it is or was the practice of the producing party to send, receive, or generate and maintain in the regular course of its business or in the course of its regularly conducted activity;
- iii. That were received, sent, or generated and maintained by someone with personal knowledge of the documents' contents or from information transmitted by a person with personal knowledge of the contents of the documents; and
- iv. That were sent, received, or generated and maintained at or near the time of the information set forth in the documents;

or

b. Evidence of state of mind under FRE 803(3) in that such document contains:

- i. A statement of the declarant's then-existing state of mind, or
- ii. A statement of the declarant's then-existing emotional condition or sensory perception, such as mental feeling; or
- iii. A statement of the declarant's physical condition, such as pain or bodily health;

or

c. Expression of a present sense impression under FRE 803(1) in that the document sets forth:

- i. A statement describing or explaining an event or condition; and
- ii. The statement was made while or immediately after the declarant perceived it.

3. All objections to the admissibility of exhibits contained in the attached Master Exhibit List, including grounds of authenticity, hearsay, double hearsay, lack of foundation, improper opinion, are waived. The parties reserve objections to admissibility, based on relevancy under FRE 401, and based on prejudice, confusion, wasting time or cumulative evidence under FRE 403, and based on FRE 409 concerning the furnishing of expenses.

4. This stipulation does not apply to documents that any party now or later contends

are privileged or were inadvertently produced.

5. This stipulation does not apply to any reports written by experts or expert witnesses retained in connection with or identified in the course of this proceeding;

6. This stipulation does not apply to deposition transcripts, except to the extent that testimony from a transcript has been designated by one or both parties and except to the extent that any objections to such designated testimony is overruled.

7. This stipulation does not in any way affect the way in which treatment of designated “Confidential” documents are admitted in accordance with the procedures and rules set forth in the Stipulated Protective Order dated October 25, 2018 (Dkt #42).

IT IS SO STIPULATED.

LANDYE BENNETT BLUMSTEIN LLP

HERSHNER HUNTER, LLP

s/ Richard S. Yugler

Richard S. Yugler, OSB #804167  
Attorney for Plaintiff

s/ Amanda M. Walkup

Amanda M. Walkup  
Of Attorneys for Defendant

**IT IS SO ORDERED.**

DATED: March 26, 2020.

s/ Mustafa T. Kasubhai

Mustafa T. Kasubhai, Magistrate Judge